

Prob12B  
D/NV Form  
Rev. June 2014

United States District Court  
for  
the District of Nevada

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**REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**  
*Probation Form 49 (Waiver of Hearing) is Attached*  
**October 6, 2021**

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Name of Offender: **Robert Carl Litheredge, Jr.**

Case Number: **2:19CR00211**

Name of Sentencing Judicial Officer: **Honorable Gloria M. Navarro**

Date of Original Sentence: **February 20, 2020**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **21 months imprisonment, followed by 36 months supervised release**

Date Supervision Commenced: **December 30, 2020**

Name of Assigned Judicial Officer: **Honorable Gloria M. Navarro**

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**PETITIONING THE COURT**

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☒ To modify the conditions of supervision as follows:

1. **Residential Reentry Center** – You must reside in a residential reentry center for up to 7 months. You must follow the rules and regulations of the center.
2. **C.A.R.E. Program** – You shall participate in the C.A.R.E. Program for a period of up to seven months as approved and directed by the probation officer. While participating in the program, if you test positive for alcohol, or any controlled substance, and/or any form of synthetic marijuana or synthetic stimulants, you will be taken into custody for a minimum period of seven days.

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**CAUSE**

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Litheredge has struggled with compliance since commencing supervision. He has missed numerous drug tests, tested positive for marijuana and methamphetamine, has struggled with

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treatment compliance, and failure to secure and/or maintain consistent employment. Resultantly, on July 8, 2021, Your Honor approved our request to modify his conditions to include placement at the residential reentry center (RRC) for up to 90 days. Litheredge commenced placement on July 16 and will satisfy this requirement on or about October 13, 2021.

On August 25, 2021, Litheredge's probation officer received notification from a Detective with the Las Vegas Metropolitan Police Department (LVMPD) that Litheredge was a person of interest in a crime. The detective revealed that a man was attacked from behind and hit with a table leg in the back of the head. The attack lead to the victim getting 40 stitches in his head. The detective advised that fingerprints from the table leg used in the assault returned to Litheredge.

On September 1, 2021, the detective questioned Litheredge regarding the assault. Litheredge admitted to the detectives that he did in fact attack a man from behind with the table leg. Litheredge was also fully aware that the man received 40 stitches as a result of his injuries. Litheredge advised LVMPD detectives that he assaulted the man as he believed the victim was selling heroin to a woman who was pregnant with Litheredge's child. LVMPD has submitted their findings to the District Attorney's Office for consideration of filing charges. As of this writing, LVMPD has yet to receive a response from the District Attorney's Office.

The purpose of this correspondence is to recommend Litheredge's placement at the RRC be extended and that he participates in the C.A.R.E. Program. On September 16, 2021, Litheredge reported for drug testing but failed to provide a urine specimen, thus recorded as a stall. On September 17, 2021, Litheredge reported to the probation office wherein a drug test was administered. The drug test indicated positive for methamphetamine but Litheredge denied use. On October 4, 2021, Litheredge's tests results were received from the national contracted laboratory which confirmed his drug test was positive for methamphetamine.

On October 5, 2021, Litheredge reported to the probation office to discuss the results. Litheredge maintains he has not used any methamphetamine and/or marijuana since on or about June 11, 2021. However, Litheredge did admit to recent use of synthetic cannabinoid (spice). Litheredge is currently participating in treatment bi-weekly, primarily to address his underlying mental health issues and anxiety. The undersigned discussed the necessity for intensive substance abuse treatment, as Litheredge has now tested positive for a combination of marijuana and methamphetamine on three (3) occasions since commencing supervision; and has six stalls and six no shows. One can only surmise his no shows and stalls were to avoid detection of ongoing drug use.

On October 6, 2021, the undersigned officer and Sr. United States Probation Officer Bryce Stark met with Litheredge to discuss placement in the C.A.R.E. Program. During the conversation, Litheredge admitted to Sr. USPO Stark to having used synthetic cannabinoid as recently as last night (October 5, 2021), after leaving the probation office. Litheredge signed an admission form.

As reflected in this report, Litheredge has tested positive and/or admitted use of controlled substances on more than three (3) occasions within the past eight (8) months. Pursuant to 18 U.S.C. § 3583(g)(4) revocation is mandatory for testing positive for illegal controlled substances

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more than three (3) times over the course of one (1) year. However, pursuant to 18 U.S.C. § 3583(d), in part, the court shall consider whether the availability of appropriate substance abuse programs, or a defendant's current or past participation in such programs, warrant an exception in accordance with the United States Sentencing Commission guidelines from the rules of section (3583(g))".

In taking Litheredge's extensive criminal history into consideration, ongoing violation conduct, to include current use of controlled substances, and a violent attack that he appears to be responsible for committing, a strong case can be made for initiation of revocation proceedings at this juncture. However, Litheredge appears genuine in his desire for the opportunity to participate in the C.A.R.E. Program. It is with hopes this level of treatment will equip Litheredge with the knowledge, skills, and tools to achieve long-term sobriety. Litheredge has signed the attached Waiver agreeing to modify his conditions of supervised release with the requirement that he participate and successfully complete the C.A.R.E. Program.

Lastly, it is believed continued placement at the RRC is prudent considering the severity of the allegations against Litheredge; and will provide further oversight of his movement/activity in the community and structure that is needed at this time. Litheredge agrees with the requirement he remain at the RRC while participating in C.A.R.E.

Respectfully submitted,



Digitally signed by  
Todd Fredlund  
Date: 2021.10.06  
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Todd J. Fredlund  
Supervisory United States Probation Officer

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***THE COURT ORDERS***

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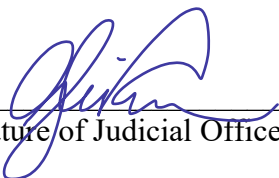
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- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):

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\_\_\_\_\_  
Signature of Judicial Officer

October 8, 2021  
\_\_\_\_\_  
Date

PROB 49  
(3/89)

## UNITED STATES DISTRICT COURT

### District of Nevada

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

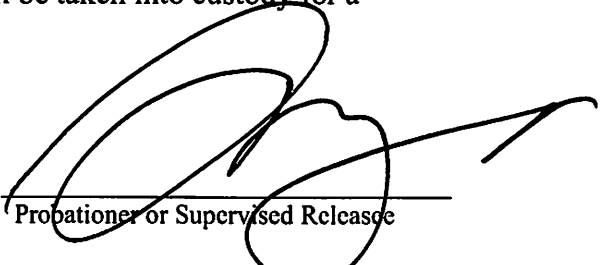
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 7 months. You must follow the rules and regulations of the center. Subsistence shall be waived.
2. **C.A.R.E. Program** – You shall participate in the C.A.R.E. Program for a period of up to seven months as approved and directed by the probation officer. While participating in the program, if you test positive for alcohol, or any controlled substance, and/or any form of synthetic marijuana or synthetic stimulants, you will be taken into custody for a minimum period of seven days.

Witness

  
\_\_\_\_\_  
U.S. Probation Officer

Signed

  
\_\_\_\_\_  
Probationer or Supervised Releasee

Date

October 6, 2021